

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL HOLLINS,
Petitioner,

v.

JON DEMORALES,
Respondent.

Case No. [15-cv-03019-PJH](#)

ORDER DISMISSING CASE

This is a habeas case brought pursuant to 28 U.S.C. § 2254. Petitioner was convicted in San Mateo County and is currently civilly committed at Atascadero State Hospital. Petitioner stated that he was set to be released from criminal custody on March 27, 2015, when he was instead transferred to Atascadero State Hospital without due process. However, before petitioner may challenge his commitment, he must exhaust state judicial remedies. *See Cranberry v. Greer*, 481 U.S. 129, 133-34 (1987); *Nelson v. Sandritter*, 351 F.2d 284, 285 (9th Cir. 1965). It does not appear that petitioner has exhausted his claims.

Petitioner was ordered to show cause why this case should not be dismissed for being unexhausted. The time to respond to the court's order has passed and petitioner has not filed a response or otherwise communicated with the court. The case is **DISMISSED** without prejudice but petitioner may file a new case once the claim has been properly exhausted. Because reasonable jurists would not find the result here debatable, a certificate of appealability ("COA") is **DENIED**. *See Slack v. McDaniel*, 529 U.S. 473, 484-85 (2000) (standard for COA).

IT IS SO ORDERED.

Dated: September 24, 2015



PHYLLIS J. HAMILTON
United States District Judge

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL HOLLINS,
Plaintiff,

v.

JON DEMORALES,
Defendant.

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CERTIFICATE OF SERVICE


I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on September 24, 2015, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Michael Hollins ID: AT0653808
Atascadero State Hospital
P O Box 7001
Atascadero, CA 93423

Dated: September 24, 2015

Susan Y. Soong
Clerk, United States District Court

By: 
Nichole Peric, Deputy Clerk to the
Honorable PHYLLIS J. HAMILTON

United States District Court
Northern District of California